

**WORK PLAN:  
TRO COLLABORATIVE WORKSHOP ON LOOPS & TRANSPORT  
CALIFORNIA PUBLIC UTILITIES COMMISSION, DECEMBER 4, 2003**

**GOALS**

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1. Identify areas of agreement to present in workshop report.
2. Identify disputed issues to be addressed in evidentiary hearings.
3. Identify any concerns regarding data to present in workshop report.

**RULES, FORMAT AND SCHEDULING**

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1. Due respect afforded to all individuals involved in the workshop.
2. One person speaks at a time. Please identify yourself for the record EACH TIME you speak.
3. The workshop will be recorded.
4. Breaks.
5. Staff assumes parties have read SBC and Verizon's Testimony filed on November 20, 2003. There will be no presentation of these testimonies.
6. Discuss process for review and handling of proprietary data. [Parties should bring signed copies of the Protective Order Attachment A.]

**TRO RESPONSIBILITIES**

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FCC has set a nine-month deadline for the CPUC to complete the initial or stage one review of Enterprise Loops and Dedicated Transport [§51.319(a)(7)(i); §51.319(e)(4)(i)].

**Enterprise Loops**

FCC has delegated to the CPUC the authority to collect and analyze more specific evidence of:

- Dark fiber loop deployment on a customer location basis, applying a uniform national trigger that measures **self-provisioning** to determine customer locations where competitive carriers are not impaired without access to ILEC unbundled dark fiber loops [§51.319(a)(6)(i)].
- DS3 loop deployment on a customer location-specific basis, applying a uniform national trigger that measures **self-provisioning or wholesale alternative** availability to determine customer locations where competitive carriers are not impaired without access to ILEC unbundled DS3s [§51.319(a)(5)(i)].
- DS1 loop deployment on a customer location-specific basis, applying a uniform national trigger that measures the availability of **wholesale competitive alternatives** to determine customer locations where competitive carriers are not impaired without access to ILEC unbundled DS1s [§51.319(a)(4)(ii)].
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Stage 1/Initial Review. Perform an initial granular review to determine locations where there is no impairment to CLECs if network elements are not unbundled [¶328-329].

- a. Determine whether the Self-Provisioning Trigger is met
  - Do two or more unaffiliated competing CLECs serve the location for dark fiber or DS3 loops with their own facilities? \* No: then Unbundling is Required [¶332-334].
- b. Determine whether the Wholesale Trigger is met
  - Do two or more wholesale providers serve entire premises at location using own facilities? No: then Unbundling is Required [¶337-338].
- c. Determine whether there is a potential for Self-Provisioning
  - Are there material economic or operational barriers to serving the location? Yes: then Unbundling is Required [¶335].

*\*Exception: Where two or more CLECs serve the same location for dark fiber or DS3 loops with their own facilities, and exceptional barriers to further facility deployment exist, then the CPUC may petition the FCC for waiver to application of triggers until the exceptional barrier no longer exists. Unbundling is required if FCC grants waiver [¶336].*

Stage 2. Perform a subsequent granular review of additional locations. During this time, the CPUC may adopt procedures to collect and evaluate evidence, such as

- a) periodic CLEC self-reporting
  - b) petitions submitted in filing windows, or
  - c) rulemakings.
- FCC has set a deadline of six-months subsequent to any petitions filed for the CPUC to reach a determination [§51.319(a)(7)(ii)].

In addition, the CPUC shall provide an appropriate transition period for CLECs to migrate services from UNE Loops if no impairment found [¶339].

### **Dedicated Transport**

FCC has delegated to the CPUC a fact finding role to determine on a route-specific basis where alternatives to the ILEC networks exist such that CLECs are no longer impaired. If the CPUC finds no impairment for a specific capacity of transport on a route, the ILEC will no longer be required to unbundle that transport along that route, according to a schedule adopted by the CPUC [¶398].

Stage 1/Initial Review. Perform an initial granular review to determine routes where there is no impairment to CLECs if network elements are not unbundled.

- a. Determine whether the Self-Provisioning Trigger is met
  - Have three or more unaffiliated competing CLECs deployed own facilities on the route for dark fiber or DS3 transport? \*\*
  - No: then Unbundling is Required [§51.319(e)(2)(i)(A); §51.319(e)(3)(i)(A)].
- b. Determine whether the Wholesale Trigger is met
  - Do two or more wholesale providers offer wholesale transport on route using their own facilities (inc. dark fiber IRU or UNE for DS1/3)?
  - No: then Unbundling is Required [§51.319(e)(1)(i)(A); §51.319(e)(2)(i)(B); §51.319(e)(3)(i)(B)].
- c. Determine whether there is a potential for Self-Provisioning
  - Is the route suitable for multiple competitive supply? (CPUC must review multiple economic characteristics including local engineering costs, cost of laying fiber, cost of transmission equipment, local topography, etc.)?
  - No: then Unbundling is Required [§51.319(e)(2)(ii); §51.319(e)(3)(ii)].

*\*\*Exception: Where three or more CLECs have deployed the location for dark fiber or DS3 transport and exceptional barriers to further facility deployment exist, then the CPUC may petition the FCC for*

*waiver to application of triggers until the exceptional barrier no longer exists. Unbundling is required if FCC grants waive. [¶411].*

Stage 2. Same as with Enterprise Loops [¶418].

## **SPECIFIC WORKSHOP AGENDA**

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10:00 to 10:15 – Introductions

10:15 to 10:30 – Rules/Format/Schedule

10:30 to 11:00 – Preliminary Statements by Parties

11:00 to 12:00 – Interpretation of FCC Order

- a. Definitions
- b. Requirements
- c. Other

12:00 to 1:00 – Lunch

1:00 to 2:00 – Discussion/Consensus on Verizon's Testimony on Transport.

2:00 to 3:00 – Discussion/Consensus on SBC's Testimony

- a. Enterprise Loops
- b. Dedicated Transport

3:00 to 4:00 – Procedural Issues Going Forward

- a. ILEC Supplemental
  - 1. Data Needs (Prioritize importance and impact on showing)
  - 2. Due Date
- b. Reply Testimony -12/30/03
  - (1) Identify testimony that reply is responsive to
  - (2) Data Received
  - (3) Data Needs
- c. Additional Review
  - 1. Possible Follow Up Workshop
  - 2. Issues / Analysis Deferred to Post Initial Review

4:00 to 4:30 – Final Items

- a. Parties Summarize Agreement
- b. Report Format
  - 1. Distribute Staff Report to Parties (cob 12/8)
  - 2. Parties Provide Factual Corrections (cob 12/9)
  - 3. Parties Provide Comments to be Attached to Report (cob 12/10)